

## The Honorable John C. Coughenour

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON, AT SEATTLE

8 ERWIN SINGH BRAICH, ) No. CV7 0177C  
9 Plaintiff, )  
10 vs. )  
11 STEVE MITTELSTAEDT, et al, ) **DECLARATION OF SUSAN**  
12 ) **FRASER IN SUPPORT OF BRIAN**  
13 Defendant. ) **G.N. MCLEAN AND MCLEAN &**  
14 ) **ARMSTRONG LLP'S MOTION TO**  
15 ) **DISMISS**

15        1.     My name is Susan Fraser. I am a solicitor admitted to the Law Society of British  
16 Columbia. I practice law with the firm of Edwards, Kenny & Bray LLP, Barristers and Solicitors,  
17 located in Vancouver, British Columbia. This firm is counsel to Brian G.N. McLean and McLean &  
18 Armstrong LLP in connection with an application submitted by KPMG Inc. in the Supreme Court of  
19 British Columbia seeking, 1) a declaration from the court that Erwin Braich is required to obtain  
20 leave of court before he may maintain this action and, 2) to enjoin Erwin Braich from continuing  
21 with his action in Washington State. That application was filed by KPMG on May 11, 2007. In that  
22 application, Brian G.N. McLean was named as a respondent.  
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28 Declaration of Susan Fraser - 1

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1       2. My firm has prepared and filed a response to KPMG's application on behalf of Brian  
2       McLean and McLean & Armstrong LLP, a true and correct copy of which is attached to this declara-  
3       tion. In filing this response, the McLean Parties, based on their status as servants or agents of the  
4       trustee, are asking the court to include them in any relief that may be granted in favor of KPMG  
5       pursuant to KPMG's application.

6       I declare under penalty of perjury that the foregoing is true and correct.  
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8       DATED this 24 day of May, 2007.



Susan Fraser

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28       Declaration of Susan Fraser - 2

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No. 193466VA99  
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA  
IN BANKRUPTCY AND INSOLVENCY  
IN THE MATTER OF THE BANKRUPTCY  
OF  
ERWIN SINGH BRAICH

**RESPONSE OF BRIAN G.N. McLEAN and McLEAN & ARMSTRONG LLP**

1. These respondents, Brian G.N. McLean and McLean & Armstrong LLP, do not oppose the granting of the relief set out in the following paragraphs of the Notice of Motion of the Trustee of Erwin Singh Braich in bankruptcy (KPMG Inc.), KPMG LLP, Robert Rusko and David Wood dated May 11, 2007 (the "Notice of Motion"):

Not applicable

2. These respondents oppose the granting of the relief set out in the following paragraphs of the Notice of Motion:

Nil

3. These respondents consent to the granting of the relief set out in the following paragraphs of the Notice of Motion:

Paragraphs 1, 2, 3 and 4

on the following terms:

- 2 -

(a) That paragraph 1 of the Notice of Motion be amended, to make it consistent with paragraph 2 of the Notice of Motion, by adding thereto the following:

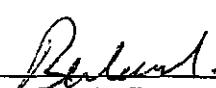
"or against any other servant or agent of the Trustee of Erwin Singh Braich, in bankruptcy, provided that the claim arises from the actions of such servants or agents acting within the course and scope of their employment or agency as such."

4. These respondents will rely on the following affidavits and other documents:

(a) Affidavit #1 of Brian G. McLean dated May 18, 2007.

These respondents estimate that the application will take 2 hours.

Dated: May 22, 2007

  
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Solicitor for the Respondents, Brian G.N.  
McLean and McLean & Armstrong LLP

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IN BANKRUPTCY AND INSOLVENCY  
IN THE MATTER OF THE BANKRUPTCY  
OF  
ERWIN SINGH BRAICH

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RESPONSE OF BRIAN G.N. McLEAN and  
McLEAN & ARMSTRONG LLP

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**EKB** Edwards, Kenny & Bray LLP  
Barristers & Solicitors

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